

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARL W. HEFTON (individually, and on behalf of :  
DOUG TURNER, TROY FIELDS, RICHARD  
BLACKMON, BOB CARTER, DALE KESLER, :  
RICHARD CAPERTON, DAN CONWAY AND  
ELLIOTT S. OSHRY), and BEN G. GILL (individually, : 07-CV-9586 (RPP)  
and on behalf of BRIAR TREE, LTD) :  
Plaintiffs, : **NOTICE OF MOTION**  
:-----  
-against- :  
VISCERN HOLDING CORPORATION, :  
:-----  
Defendant. :  
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PLEASE TAKE NOTICE that upon the annexed Affirmation of Steven D. Karlin, dated November 19, 2007, the Exhibits thereto and the Memorandum of Law dated November 19, 2007, the undersigned counsel for the plaintiffs shall move this court on the 5th day of December, 2007 before the Honorable Robert P. Patterson, Jr., United States District Court Judge, at the courthouse located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 24A, for an order under 28 U.S.C. §1447(c) remanding this civil action to the New York State Supreme Court for the County of New York on the grounds that the court lacks subject matter jurisdiction over this improvidently removed case and for an award of attorney's fees in favor of the plaintiffs and for such other and further relief as the court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served in accordance with Local Civil Rule 6.1.

Dated: New York, New York  
November 19, 2007

PLATZER, SWERGOLD, KARLIN, LEVINE,  
GOLDBERG & JASLOW, LLP

By: /s/ Steven D. Karlin  
Steven D. Karlin (SK-0633)

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